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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 09/921,375 | 08/02/2001 | Ray Whitney | 01-471 | 3959 |
| 33055 7590 01/23/2009 PATENT, COPYRIGHT & TRADEMARK LAW GROUP 4199 Kinross Lakes Parkway Suite 275 RICHFIELD, OH 44286 | | | EXAMINER GENACK, MATTHEW W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2617 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 01/23/2009 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RAY WHITNEY

Application No. 09/921,375
Technology Center: 2600

Mailed: January 23, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 15, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

REPLY BRIEF NOTED

On July 28, 2008, applicants filed a timely Reply Brief. In accordance with the revision effective September 13, 2004, Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner for consideration and proper response to the Reply Brief filed July 28, 2008, and for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

PATENT, COPYRIGHT & TRADEMARK LAW GROUP
4199 KINROSS LAKES PARKWAY, SUITE 275
RICHFIELD, OH 44286